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Attorneys at Law

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July 16, 2019

Via ECF

Honorable District Judge Valerie E. Caproni
United States District Court
Southern District of New York
40 Foley Square
New York, New York 10007

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 07/16/2019

Re: **Taveras v. LSTD, LLC., et al.**
18-CV-0903 (VEC)

MEMO ENDORSED

Dear Judge Caproni:

We represent the Plaintiff in the above-referenced matter and we submit this letter pursuant to Your Honor's July 12, 2019 Order requiring Plaintiff to provide receipts for expenses, billing records, and an explanation of why service of process in this matter exceeded \$1,000.00. Each of these items is address below.

Receipts for Plaintiff's Counsel's Expenses

In the parties' joint motion for approval of the settlement agreement [Dkt. No. 64], our office indicated that we had incurred approximately \$2,661.00 in expenses in this matter. This total included \$1,030.00 for service of process on all Defendants through our process server, Anke Judicial Services, Inc., \$1,155.00 for the costs of conducting three depositions, \$400.00 for the Southern District of New York filing fee and \$40.00 for serving the corporate Defendant through the Secretary of State. Attached hereto as Exhibit A are receipts for all of the above expenses.

Explanation of the Cost of Service of Process

Our office incurred \$1,030.00 in expenses just from the service of process on Defendants in this matter. The reason that this cost is higher than typical service costs is explained in great detail in Plaintiff's March 28, 2018 and April 26, 2018 letters to the Court regarding attempted service and eventual service on Defendants in this matter [Dkt. Nos. 9 and 15].

Our office provided the following information in the April 26, 2018 letter to the Court regarding the difficulties of service upon individual Defendant Saul Sutton [Dkt. No. 15]:

Plaintiff served the corporate Defendant LSTD, LLC through the Secretary of State on April 18, 2018. Furthermore, after numerous attempts to serve the individual defendants, Plaintiff was able to serve Defendant Anthony Scavo on April 25, 2018. Lastly, Plaintiff has been unable to serve Defendant Saul Sutton to date. Plaintiff has filed two Affidavits of Attempted Personal Service, in which Plaintiff's process server attempted to serve Defendant Saul Sutton at six different addresses that were linked to Defendant Saul Sutton.

Plaintiff's process server attempted to serve Defendant Saul Sutton at the following addresses on the following dates and times:

- 733 3rd Avenue, 15th Floor, New York, New York 10017 (3/13/18 at 1:50pm)
- 265 East 66th Street, New York, New York 10065 (3/13/18 at 3:30pm)
- 220 East 65th Street, New York, New York 10065 (3/13/18 at 3:25pm)
- 1956 Ocean Parkway, Brooklyn, New York 11223 (3/14/18 at 5:00pm)
- 1808 East 7th Street, Brooklyn, New York 11223 (4/18/18 at 6:45pm)
- 115 Broadway, New York, New York 10006 (4/20/18 at 4:00pm)

Plaintiff's process server spoke to an individual who identified herself as Carol Sutton at 1956 Ocean Parkway, Brooklyn, New York 11223 (an address that appears for Defendant Saul Sutton according to a Lexis Nexis Comprehensive Person Search), but she informed our deponent that Defendant was not known at that address. However, our office spoke to an individual who identified herself as Carol Sutton via a telephone number that appeared for Defendant Saul Sutton and she represented that she was the Defendant's mother. However, she stated that Defendant Saul Sutton was out of the country and that he no longer lived at 1956 Ocean Parkway, Brooklyn, New York 11223, but would not provide a new address.

Based on the foregoing, we believe that Defendant Saul Sutton is aware of this lawsuit and is purposely attempting to evade service of the Complaint. Defendant Saul Sutton lists himself as the owner on Corporate Defendant's website and is even identified as the "Senior Partner" of the Corporate Defendant in a April 12, 2016 Decision and Order by The Honorable Judge Lucy Billings of the Supreme Court of New York, County of New York in a matter bearing Index No. 159565/2015. [redacted] Lastly, our client has identified, as alleged in the Complaint, Saul Sutton as the owner of the Corporate Defendant. As the Corporate Defendant has been served through the Secretary of State, it is unlikely that Defendant Saul Sutton is unaware of this litigation.

Our office incurred \$1,030.00 in expenses from the service of process because we attempted to serve Mr. Sutton at six different locations before we effectuated service on him through his mother, nearly three months after the filing of this action. Your Honor addressed this issue with the Defendants at the parties' status conference on September 14, 2018. The invoice attached hereto as Exhibit A indicates the high cost of service as a result of numerous attempts of service before Mr. Sutton was served.

Plaintiff's Counsel's Contemporaneous Billing Records

Lastly, Your Honor has asked for Plaintiff's counsel's contemporaneous billing records in this matter. Please see Plaintiff's counsel's contemporaneous billing records and explanation of Plaintiff's counsel's qualifications are attached hereto as Exhibit B.

Plaintiff's counsel expended approximately 133.1 hours of attorney and paralegal time - an aggregate lodestar of approximately \$43,881.00. These hours are reasonable and were compiled from contemporaneous time records maintained by the firm. Moreover, Plaintiff's Counsel undertook to prosecute this action without any assurance of payment for their services, litigating this case on a wholly contingent basis in the face of significant risk.

However, despite the fact that Plaintiff's counsel's lodestar calculation is in excess of the attorneys' fees requested in the parties' joint motion for approval, Plaintiff's counsel does not seek any fees beyond the one-third contingency agreement with Plaintiff.

We thank Your Honor for her consideration on this matter.

In light of Plaintiff's counsel's supplemental submissions, the proposed settlement, submitted to the Court on July 8, 2019, Dkt. 64-1, is hereby approved as fair and reasonable pursuant to *Cheeks v. Freeport Pancake House, Inc.*, 796 F.3d 199, 206 (2d Cir. 2015). While the lodestar amount provided by Plaintiff's counsel is higher than is reasonable, the Court finds that, even if reduced to a reasonable figure, the lodestar would exceed the proposed fee of \$18,000. Accordingly, the Court's approval of the proposed settlement should not be viewed as an endorsement of counsel's billable rates and hours.

The Clerk of Court is respectfully directed to terminate all pending deadlines and motions and close the case.

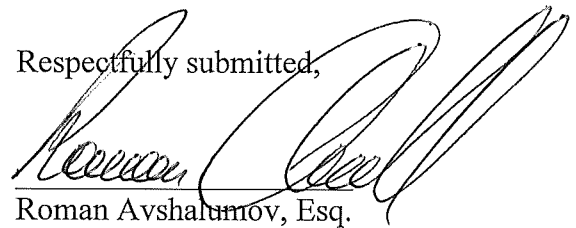
SO ORDERED.

Date: 07/16/2019



HON. VALERIE CAPRONI
UNITED STATES DISTRICT JUDGE

Respectfully submitted,



Roman Avshalomov, Esq.
James O'Donnell, Esq.
Helen F. Dalton & Assoc.
Attorneys for Plaintiff
80-02 Kew Gardens Road
Suite 601
Kew Gardens, NY 11415


JUDICIAL SERVICES, INC.

 247 Nassau Boulevard
 Garden City So., NY 11530


(516) 483-6880

FAX: (516) 486-0420

 TO: HELEN F DALTON & ASSOCIATES P.C.
 69-12 Austin Street
 Forest Hills, NY 11375

5/22/18

ATTN: YEFREM

ID #11-2791290

PREVIOUS BALANCE

DATE	PLAINTIFF	DEFENDANT	Mailing & Postage	Filing & Fee Chgs.	Service Charge	TOTAL
4/18	Rigoberto Taveras indiv. USDC Southern Dist. 117-L015	LSTD, LLC d/b/a SSA Construction Group Saul Sutton Anthony Scavo all 3 def. at 3rd Ave. NYC moved return attempted aff. postal search certified LSTD, LLC (SOS 303)			95.00 45.00 95.00	
4/21		LSTD LLC SSA dba SSA Construction Group Jersey City NJ (attempted nk return) Anthony Scavo 2035 9th St. Bklyn (nk return) 315 E.72 St. NYC (nk return) 343 E.74 St. Apt.12G NYC LSTD, LLC dba SSA Construction Group c/o Anthony Scavo	5.00 5.00		125.00 75.00 95.00 95.00 95.00	
5/3	(Order)	Saul Sutton 1808 East 7th St. Bklyn (Moved return) 115 B'way NYC (nk return) 1956 Ocean P'way Brooklyn several attempts (copy left with mother mlg. certified copy with certificate of mailing	5.00		125.00	
					total \$	1,030.00

PAID

JUN 11 2017

#4869

ANKE

State of New York - Department of State
Receipt for Service

Receipt #: 201804230520
Date of Service: 04/18/2018
Service Company: 83 STAR PROCESS SERVICE

Cash #: 201804230321
Fee Paid: \$40 - CHECK

Service was directed to be made pursuant to: SECTION 303 OF THE LIMITED
LIABILITY COMPANY LAW

Party Served: LSTD, LLC

Plaintiff/Petitioner:
TAVERAS, RIGOBERTO

Service of Process Address:
BAHN HERZFELD & MULTER, LLP
555 FIFTH AVENUE, STE 14
NEW YORK, NY 10017

Dalton 117-LO15

Secretary of State
Bv SUE ZOUKY



Pay.gov Payment Confirmation: NYSD CM ECF

2 messages

paygovadmin@mail.doc.twai.gov <paygovadmin@mail.doc.twai.gov>

Thu, Feb 1, 2018 at 11:21 AM

To: [REDACTED]

Your payment has been submitted to Pay.gov and the details are below. If you have any questions or you wish to cancel this payment, please contact the NYSD ECFHelpdesk at (212) 805-0800.

Application Name: NYSD CM ECF
Pay.gov Tracking ID: 267H353Q
Agency Tracking ID: 0208-14648918
Transaction Type: Sale
Transaction Date: Feb 1, 2018 11:21:53 AM

Account Holder Name: Helen Dalton
Transaction Amount: \$400.00
Card Type: [REDACTED]
Card Number: [REDACTED]

THIS IS AN AUTOMATED MESSAGE. PLEASE DO NOT REPLY.

paygovadmin@mail.doc.twai.gov <paygovadmin@mail.doc.twai.gov>

Thu, Feb 1, 2018 at 11:52 AM

To: [REDACTED]

Your payment has been submitted to Pay.gov and the details are below. If you have any questions or you wish to cancel this payment, please contact the NYSD ECFHelpdesk at (212) 805-0800.

Application Name: NYSD CM ECF
Pay.gov Tracking ID: 267H319L
Agency Tracking ID: 0208-14649333
Transaction Type: Sale
Transaction Date: Feb 1, 2018 11:52:29 AM

[Quoted text hidden]

INVOICE

Roman Avshalumov
Helen F. Dalton & Associates
69-12 Austin Street
Forest Hills, NY 11375

Invoice No.	Invoice Date	Job No.
130094105	2/26/2019	261349
Job Date	Case No.	
2/11/2019	18-CV-903 (VEC)	
Case Name		
Taveras v. LSTD,LLC D/B/A SSA Construction Group et al.		
Payment Terms		
Due upon receipt		

ORIGINAL AND 2 CERTIFIED COPIES OF TRANSCRIPT OF:

Saul Sutton	162.00 Pages	510.30
Exhibit		0.65
Reporter Appearance - Per Session		25.00

ORIGINAL AND 2 CERTIFIED COPIES OF TRANSCRIPT OF:

Anthony Scavo Jr.	81.00 Pages	255.15
Reporter Appearance - Per Session		25.00
Shipping/Delivery		15.00

TOTAL DUE >>> \$831.10

AFTER 4/12/2019 PAY \$955.77

Online bill pay available at www.uslegalsupport.com

Thank you for your business!

(-) Payments/Credits: 831.10**(+) Finance Charges/Debits: 124.67****(=) New Balance: 0.00**

Invoice not paid by due date is subject to interest of 1.5% per month. We will make reasonable efforts to allocate payments properly. U.S. Legal Support may recover any fees and costs it incurs in collecting any unpaid amounts. Any rights regarding allocations, refunds or adjustments after 90 days from payment shall be waived by payer.

Tax ID: 76-0523238

Phone: 718.263.9591 Fax: 718-263-9598

Please detach bottom portion and return with payment.

Roman Avshalumov
Helen F. Dalton & Associates
69-12 Austin Street
Forest Hills, NY 11375

Job No. : 261349 BU ID : 21-NYC
Case No. : 18-CV-903 (VEC)
Case Name : Taveras v. LSTD, LLC D/B/A SSA Construction Group et al.
Invoice No. : 130094105 Invoice Date : 2/26/2019
Total Due : \$0.00

Remit To: **U.S. Legal Support**
P.O. Box 4772-13
Houston, TX 77210-4772

PAYMENT WITH CREDIT CARD

Cardholder's Name: _____

Card Number: _____

Exp. Date: _____ Phone#: _____

Billing Address: _____

Zip: _____ Card Security Code: _____

Amount to Charge: _____

Cardholder's Signature: _____

INVOICE

Roman Avshalumov
Helen F. Dalton & Associates
69-12 Austin Street
Forest Hills, NY 11375

Invoice No.	Invoice Date	Job No.
130097699	3/22/2019	264577
Job Date	Case No.	
3/12/2019		
Case Name		
Taveras v. LSTD, LLC.		
Payment Terms		
Due upon receipt		

ORIGINAL AND 2 CERTIFIED COPIES OF TRANSCRIPT OF:

Antonio Rivera	73.00 Pages	284.70
Reporter Appearance - Per Session		25.00
Wait Time		0.00
Shipping/Delivery		15.00
TOTAL DUE >>>		\$324.70
AFTER 5/6/2019 PAY		\$373.41

Online bill pay available at www.uslegalsupport.com/online-bill-pay

Thank you for your business!

(-) Payments/Credits:	324.70
(+) Finance Charges/Debits:	49.29
(=) New Balance:	0.00

Invoice not paid by due date is subject to interest of 1.5% per month. We will make reasonable efforts to allocate payments properly. U.S. Legal Support may recover any fees and costs it incurs in collecting any unpaid amounts. Any rights regarding allocations, refunds or adjustments after 90 days from payment shall be waived by payer.

Tax ID: 76-0523238

Phone: 718.263.9591 Fax: 718-263-9598

Please detach bottom portion and return with payment.

Roman Avshalumov
Helen F. Dalton & Associates
69-12 Austin Street
Forest Hills, NY 11375

Job No. : 264577 BU ID : 21-NYC
Case No. :
Case Name : Taveras v. LSTD, LLC.

Invoice No. : 130097699 Invoice Date : 3/22/2019
Total Due : \$0.00

Remit To: **U.S. Legal Support**
P.O. Box 4772-13
Houston, TX 77210-4772

PAYMENT WITH CREDIT CARD

Cardholder's Name: _____
Card Number: _____
Exp. Date: _____ Phone#: _____
Billing Address: _____
Zip: _____ Card Security Code: _____
Amount to Charge: _____
Cardholder's Signature: _____

Billing Records for 117-L015: Taveras v. LSTD, LLC, et al.

Date	Attorney	Time Spent (Hours)	Notes	Paralegal
12/12/2017	RA	1.6	Intake of client, info on claims, defs, job sites	P
12/18/2017	RA	0.3	Call w/ client - more info needed on defs' business, individual defs	P
1/10/2018	RA	0.7	Research on defs, client's claims, work performed out of state	
1/12/2018	RA	0.6	Meet w/ client, dropped off records/envelopes, discussed case	P
1/22/2018	RA	1.2	Performed calculations of damages	
1/25/2018	RA	1.7	Drafting complaint	
1/29/2018	RA	1.2	Finish drafting complaint, contact client to come in for review	
1/31/2018	RA	1.5	Review complaint/calcs w/ client, make changes, finalize, draft civil cover sheet	P
2/1/2018	RA	0.5	Review all docs, file complaint, civ cover sheet, summons on ECF	
2/5/2018	RA	0.4	Recvd ECF orders, deficiencies, reviewed Judge's rules, mailed out complaint	P
2/16/2018	RA	0.2	Recvd Init Conf order, entered dates in system, advised client of status	P
3/7/2018	RA	1.2	Calls w/ process server, filed letter w/ Court re: issues with service, remailed summons	
3/12/2018	RA	0.2	Recvd and reviewed Order, entered dates in system, set reminders	
3/17/2018	RA	1.4	Extensive search of addresses, locations of individual defs, property searches, etc.	
3/27/2018	RA	0.2	Calls w/ process server	
3/28/2018	RA	1	Drafted and filed letter re: service on defs	
3/28/2018	JO	0.2	Mailed check to process server to serve corp. def through Sec. of State	
3/29/2018	RA	0.2	Recvd and reviewed Order, entered dates in system, set reminders	
4/16/2018	RA	0.2	Calls w/ process server	
4/18/2018	RA	0.3	Calls w/ process server and client for more info	P
4/26/2018	RA/JO	2.6	Calls w/ process server, recvd and reviewed affs of service, filed on ECF	
			Drafted and filed initial pre-trial conf letter, research on substitution of service methods	
			Drafted and filed letter motion for ext of time to serve Sutton; filed NOA	
5/3/2018	JO	0.2	Call w/ process server re: service on Sutton	
5/7/2018	RA	0.3	Recvd, reviewed aff of service, filed on ECF; entered dates for answer in system	
5/11/2018	JO	0.2	Emails w/ def atty re: retained by defs, ext of time to answer	
5/16/2018	JO	1.2	Drafted initial conf letter and proposed case mgmt plan, sent to def atty	
5/17/2018	JO	0.5	Recvd and reviewed defs' edits to letter and plan, agreed on dates, filed on ECF	
6/7/2018	RA	1.2	Review docs, prepare for init conf, call w/ client re: issues raised by Defs	P
6/8/2018	RA	1	Travel time, prep for conf, appear for intial conference, enter dates in system	
6/14/2018	RA	0.6	Recvd and reviewed defs' Answer, noted aff defenses	
6/19/2018	RA/JO	1.5	Meet w/ client re: case, draft and review affidavit for collective action motion	P
6/20/2018	JO	1.5	Draft notice and opt-in forms for motion	
6/21/2018	RA	2.7	Research case law, drafting collective action motion	
6/26/2018	RA	2.2	Continue drafting collective action motion	

6/27/2018	RA/JO	2.6	Drafting, reviewing, editing motion, prepare table of contents, table of cases, notice	
			Finalize, copy, and file on ECF	
7/19/2018	RA/JO	1.8	Reviewed defs' opp to motion, reviewed attached affs, discuss reply and add'l affs	
7/24/2018	RA	2.2	Drafting reply to opp, call to client re: add'l aff	
7/26/2018	RA	1.6	Continue drafting reply	
7/27/2018	RA	1.8	Finalize/file reply, calls w/ def atty and client re: add'l affidavit, filed letter re: affidavit	
7/31/2018	RA	0.8	Met w/ client, finalized aff and filed	
8/28/2018	RA	0.6	Recvd and reviewed order on motion; noted issues w/ notice forms	
9/5/2018	RA	0.8	Revised notice form/opt-in form, emails w/ def atty	
9/6/2018	RA/JO	0.5	Teleconf w/ def attys re: notice form changes, postings, mailing addresses, etc.	
9/7/2018	RA	1.2	Calls/emails w/ def attys, draft, revise letter re: collective action notices, file on ECF	
9/12/2018	RA/JO	1.5	Discuss case, prepare file for conf on 9/14, call w/ client, review docs from PI case	P
9/14/2018	JO	1	Travel time, prep for conf, appear for status conf, enter notes from conf	
11/1/2018	JO	1.6	Drafting discovery responses	
11/8/2018	JO	1.8	Continue drafting disc response, schedule appt w/ client	
11/12/2018	RA/JO	3.5	Meet w/ client, review responses, review records, finalize all disc responses	P
			Draft and finalize interrogatory requests, document demands, mail all docs to defs	
12/3/2018	JO	0.2	Emails w/ def atty re: disc responses	
12/4/2018	JO	0.6	Emails w/ def atty, scan in and re-send disc responses and demands	
12/6/2018	JO	0.5	Send notices of depositions, emails w/ def atty re: plaintiff's deposition	
12/7/2018	RA	0.2	Emails w/ def atty	
12/11/2018	RA/JO	1.8	Calls/emails w/ def attys; teleconf w/ Court	
12/12/2018	JO	0.2	Recvd Order, entered dates, set reminders	
12/13/2018	JO	0.4	Emails w/ def atty, schedule depo of Sutton w/ court reporter	
12/17/2018	JO	0.3	Emails w/ def atty, rescheduling defs depositions	
12/27/2018	RA	0.5	Calls/emails w/ def atty re: settlement, calls w/ client re: offer/demand	
1/9/2019	RA	0.8	Calls w/ def atty, re adjournments, filed letter requesting ext of disc	
1/24/2019	JO	0.8	Emails/calls w/ def atty re: settlement, calls to client, rescheduled def depositions	P
2/1/2019	JO	0.7	Emails/calls w/ def atty re: settlement, calls to client, rescheduled def depositions	P
2/8/2019	RA	0.4	Emails w/ def atty re: settlement, call to client	P
2/8/2019	RA/JO	1.5	Prep for Def depositions, prepare questions, call to client re: questions	P
2/11/2019	RA	6	Defendant depositions	
2/13/2019	RA	0.2	Emails re settlement	
2/22/2019	RA	1.3	Drafting, revising, reviewing joint status letter, calls w/ def atty	
2/28/2019	RA	1.2	Prepare file, review and prepare for conference	
3/1/2019	RA	1	Status conference	
3/1/2019	RA	0.3	Emails w/ def atty, draft letter re: contact info for defs' witnesses	

3/2/2019 (Sat.)	RA	1.8	Meet w/ Peter Paris, witness, obtain info, draft and review affidavit	P
3/5/2019	JO	0.5	Emails w/ def atty, scheduling witness depositions	
3/11/2019	JO	0.1	Emails w/ def atty	
3/12/2019	RA	4	Prep, review file, conduct deposition of witness Rivera	
3/15/2019	RA	0.8	Extensive search of contact info, addresses for potential witnesses	
3/21/2019	RA/JO	1.2	Emails/calls re: disc schedule, plaintiff/witness EBTs, draft/finalize joint status letter	
3/28/2019	RA	0.3	Emails w/ def atty, file affidavit of Peter Paris	
3/29/2019	RA	1.2	Prepare for conf, attend status conf	
4/10/2019	RA	0.1	Emails re: mediation	
4/12/2019	JO	0.2	Emails re: mediation	
4/17/2019	RA	0.5	Review letter re: supplemental disc demands	
4/24/2019	RA	0.2	Emails w/ def atty, call to client re: supplemental demands	
4/30/2019	RA	0.3	Call to client re: additional docs, info	
5/7/2019	RA	2.2	Meet w/ client, sign authorizations, draft and finalize supp responses, mail to def atty	
5/8/2019	JO	0.3	Emails w/ def atty re: Plaintiff EBT	
5/10/2019	RA	1.4	Calls/emails scheduling Plaintiff EBT; file letter w/ court in response to defs' letter	
5/14/2019	RA	1.2	Discuss offer of judgment w/ client; emails w/ def atty re: EBT	
5/17/2019	RA	0.2	Call w/ client re: EBT	P
5/21/2019	JO	0.3	Emails/calls re: settlement	
5/22/2019	JO	0.6	Emails/calls agreed to settlement	
5/30/2019	JO	0.3	Emails re: finalizing terms of agreement	
6/5/2019	JO	0.6	Emails w/ def atty, call to client, filed letter advising court of settlement	P
6/7/2019	RA	0.2	Recvd and reviewed order for settlement approval, entered notes in system	
6/11/2019	JO	0.2	Emails to mediator cancelling mediation	
6/11/2019	RA	2.3	Performed calculations for settlement, drafted settlement agreement, sent to def atty	
6/19/2019	JO	0.2	Calls/emails re: agreement	
6/24/2019	RA	0.6	Recvd and reviewed defs' proposed changes	
6/25/2019	RA	0.4	Accepted some of defs' changes, rejected others, made edits to agreement	
6/26/2019	RA/JO	1.2	Call w/ def atty re: issues w/ changes, edited and finalized agreement	
6/27/2019	RA	0.7	Emails w/ def atty, filed letter re: ext of time to file, adj conf	
7/1/2019	RA	1.3	Draft motion for approval of agreement	
7/1/2019	JO	0.3	Emails w/ def atty, sent PI case info	
7/8/2019	RA/JO	0.5	Call w/ def atty, resolve outstanding issues, finalize agreement and motion, file on ECF	
7/15/2019	RA	1.2	Draft letter w/ add'l info on expenses, service, attach/finalize billing records, file on ECF	

	<u>Total Hours</u>	
RA	78.8	$78.8 * \$425.00 = \$33,490.00$
JO	35.7	$35.7 * \$250.00 = \$8,925.00$
Paralegal	18.6	$18.6 * \$75.00 = \$1,395.00$
		<u>Total: \$43,810.00</u>

Attorney Qualifications

Plaintiffs' counsel, Roman Avshalumov has been an attorney for eleven years, and is admitted to practice in New York and New Jersey, as well as the EDNY, SDNY, and District of New Jersey. He has represented both plaintiffs and defendants in labor law actions for nine years. Mr. Avshalumov has tried numerous labor/employment cases, and settled over a hundred more. He has also tried over 50 personal injury actions. Mr. Avshalumov is the senior managing attorney at Helen F. Dalton & Associates, P.C., where he oversees all litigation at the firm, and has done so for the last ten years. Mr. Avshalumov currently bills at \$425.00 per hour, which is standard for attorneys with his level of experience. Throughout this case, Mr. Avshalumov spent approximately 78.8 hours on this case (see time records above for a breakdown as to tasks and specific hours spent). Accordingly, Mr. Avshalumov reasonably would charge \$33,490.00 for his work performed in this matter.

Plaintiffs' counsel, James O'Donnell, has been an attorney for five years, and is admitted to practice in New York as well as the EDNY and SDNY. Mr. O'Donnell is a senior associate at Helen F. Dalton & Associates, P.C. and oversees all matters relating to labor and employment matters at the firm. Mr. O'Donnell has exclusively worked on employment matters during his employment at the firm. He has appeared on over one hundred FLSA matters in the Second Circuit and has settled over one hundred cases during his employment. Mr. O'Donnell currently bills at \$250.00 per hour, which is standard for attorneys with his level of experience. Throughout this case, Mr. O'Donnell spent approximately 35.7 hours on this case (see time records above for a breakdown as to tasks and specific hours spent). Accordingly, Mr. O'Donnell reasonably would charge \$8,925.00 for his work performed in this matter.

In addition, Plaintiff's counsel incurred approximately 18.6 hours of paralegal services provided at \$75.00 per hour, for approximately **\$1,395.00** in total.

As such, Plaintiff's counsel has incurred approximately **\$43,810.00** in attorneys' fees using the Lodestar Method, not including expenses associated with matter.